

**When Recorded Return to:**

City of Ankeny, Iowa  
Attn: City Clerk  
410 West First Street  
Ankeny, IA 50023

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Preparer Information: Seana E. Perkins, City of Ankeny, Iowa, 220 W First Street, Ankeny, IA 50023

Phone: 515-963-3557

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**RESOLUTION**

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN EASEMENT AGREEMENT INCLUDING PETITION AND WAIVER WITH THE DES MOINES AREA COMMUNITY COLLEGE FOUNDATION CONCERNING A CONDITION OF APPROVAL OF A SPECIAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A SMALL WIND ENERGY CONVERSION SYSTEM AT THE DMACC CAMPUS IN THE CITY OF ANKENY, IOWA**

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**WHEREAS**, the City of Ankeny Zoning Board of Adjustment approved a Special Use Permit at their regular meeting on April 6, 2010, allowing DMACC to construct a small wind energy conversion system at approximately 130 feet in height, on their property at 2006 S. Ankeny Boulevard / 2550 S. Ankeny Boulevard, Ankeny, Iowa, and

**WHEREAS**, the Zoning Board of Adjustment approved the Special Use Permit with the following conditions:

1. The applicant shall obtain all necessary permits and approvals prior to construction including, but not limited to, approval from the FAA and shall submit copies of those approvals to the City.
2. The surface of the small wind energy conversion system shall be non-reflective.
3. The applicant shall submit a copy of an executed interconnection agreement to the City prior to the issuance of building permits.
4. The applicant shall submit a copy of a minimum \$2,000,000 liability insurance to the City.
5. The applicant shall record a petition and waiver agreement which will run with the land and will grant permission to the City of Ankeny to enter the property to remove the SWECS pursuant to the terms of approval and to assure compliance with the other conditions set forth in the Special Use Permit. The petition and waiver shall also identify that removal shall be at the expense of the owner/operator and the cost may be assessed against the property.

**WHEREAS**, this Easement Agreement including Petition and Waiver is created to comply with the previously shown condition of approval 5 above; and,

**WHEREAS**, Des Moines Area Community College Foundation and City Staff have agreed to a set of terms and conditions outlined in an Easement Agreement Including Petition and Waiver, a copy of which agreement is hereto attached.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Ankeny, Iowa, hereby authorizes the Mayor to sign the aforesaid Easement Agreement Including Petition and Waiver on behalf of the City of Ankeny, Iowa.

**PASSED AND APPROVED** this 3<sup>rd</sup> day of May, 2010.

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Steven D. Van Oort, Mayor

**ATTEST:**

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Pamela DeMouth, City Clerk